

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

ROBERT A. HOFFMAN,	)	CASE NO. 1:18 CV 2123
	)	
Plaintiff,	)	JUDGE DAN AARON POLSTER
	)	
vs.	)	<u>OPINION AND ORDER</u>
	)	
COMMISSIONER OF SOCIAL	)	
SECURITY ADMINISTRATION,	)	
	)	
Defendant.	)	

Before the Court is the Report and Recommendation of Magistrate Judge James R. Knapp II (R & R). **Doc #:** 15. Magistrate Judge Knepp recommends that the Court reverse the Commissioner's decision to deny Social Security Disability Insurance Benefits (DIB) to Plaintiff Robert A. Hoffman, and to remand the case to the Commissioner for further proceedings consistent with the R & R. *Id.*

Under the relevant statute,

Within fourteen days after being served with a copy, any party may serve and file written objections to such proposed findings and recommendations as provided by rules of court. A judge of the court shall make a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made.

28 U.S.C. § 636(b)(1). The failure to timely file written objections to a Magistrate Judge's R & R constitutes a waiver of the right to obtain a *de novo* review of the R & R in the district court. *United States v. Walters*, 638 F.2d 947, 949–50 (6th Cir. 1981); *Thomas v. Arn*, 474 U.S. 140, 149–50 (1985). The failure to file written objections also results in a waiver of the right to appeal. *Thomas v. Arn*, 728 F.2d 813 (6th Cir. 1984), *aff'd*, 474 U.S. 140 (1985).

Here, the R & R was filed on July 24, 2019, and the deadline for filing objections was Wednesday, August 7, 2019. It is now August 9, 2019, and the Commissioner has neither filed objections nor requested an extension of time to do so.

The Court has reviewed the Magistrate Judge's thorough, 20-page R & R concluding that the ALJ's analysis of Listing 1.04, and of Dr. Louis Keppler's medical source opinion, is not supported by substantial evidence and recommends that the decision be reversed and remanded. The undersigned firmly agrees. Accordingly, the Court **ADOPTS** the R & R in its entirety, **REVERSES** the Commissioner's decision denying DIB to Robert Hoffman, and **REMANDS** the case for further proceedings pursuant to Sentence Four of 42 U.S.C. § 405(g).

**IT IS SO ORDERED.**

/s/ Dan A. Polster August 9, 2019  
**Dan Aaron Polster**  
**United States District Judge**